

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 2 and 26 will have been canceled. Additionally, claims 1, 3, 10, 21, 25, 27, 30, 33, 34, 45, 49 and 52 will have been amended. Accordingly, claims 1, 3, 5-25, 27, 29-49, 51 and 52 will be pending, with claims 1, 25, 49 and 52 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 1-3, 5-27, 29-49, 51 and 52 over the art of record. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of New Examiner in this Application

Applicant acknowledges, based upon telephone calls to Examiner Hastings and to Supervisor Steven Griffin on April 25, 2003, that Examiner Hastings has moved to another position in the USPTO, is no longer examining this Application, and that Examiner Eric Hug has taken over examination of this Application.

Interview of April 28, 2003

Applicant appreciates the courtesy extended by Examiner Eric Hug in the interview of April 28, 2003. In that interview, Applicant's representative discussed, among other things, that none of the applied documents disclose or suggest an apparatus and/or method of making a tissue or hygiene web wherein the web travels at a speed that is greater than approximately 1800 m/min. The Examiner noted that this combination of features was not currently recited in the claims. However, the Examiner indicated that such features appear to define over the applied art of record, but that the art of record would have to be reviewed in detail to confirm the same. Finally, the Examiner explained that because the current rejection is a final rejection, he reserves the right to refuse entry of such an amendment if he determines that such an amendment raises new issues and/or requires further search and consideration.

Present Amendment is proper for entry

Applicant submits that the instant amendment is proper for entry after final rejection. Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and

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each of the pending claims.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Applicant traverses the Examiner's rejection of claims 1-3, 5-27, 29-49, 51 and 52 under 35 U.S.C. § 103(a) as being unpatentable over US patent 6,235,160 to TIETZ et al. and/or EP 0 926 296 to TIETZ et al. in view of US patent 1,025,822 to MILLSPAUGH as necessary with SCHIEL and/or US patent 6,231,723 to KANITZ et al.

Applicant also traverses the Examiner's rejection of claims 13-20 and 37-44 under 35 U.S.C. § 103(a) as being unpatentable over US patent 6,235,160 to TIETZ et al. and/or EP 0 926 296 to TIETZ et al. in view of US patent 1,025,822 to MILLSPAUGH as necessary with SCHIEL and/or US patent 6,231,723 to KANITZ et al. and further in view of US patent 4,102,737 to MORTON and/or US patent 3,224,928 to LEE et al.

Applicant additionally traverses the Examiner's rejection of claims 8, 9 and 32 under 35 U.S.C. § 103(a) as being unpatentable over US patent 6,235,160 to TIETZ et al. and/or EP 0 926 296 to TIETZ et al. in view of US patent 1,025,822 to MILLSPAUGH as necessary with SCHIEL and/or US patent 6,231,723 to KANITZ et al. and further as needed in view of US patent 4,563,245 to WANKE et al. and/or US patent 4,556,454 to DAHL et al. and/or US patent 5,043,046 to LAAPOTTI.

Applicant further traverses the Examiner's rejection of claims 21 and 45 under 35

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U.S.C. § 103(a) as being unpatentable over US patent 6,235,160 to TIETZ et al. and/or EP 0 926 296 to TIETZ et al. in view of US patent 1,025,822 to MILLSPAUGH as necessary with SCHIEL and/or US patent 6,231,723 to KANITZ et al. and further in view of CROUSE and/or US patent 5,709,778 to KADE et al.

The Examiner asserted that each of the TIETZ documents disclose all the claimed features except for using hot air or steam overpressure being applied over a suction roll. However, the Examiner asserted that MILLSPAUGH teaches this feature and that each of SCHIEL and KANITZ teach the obviousness of using hot air or steam opposite a suction device in a tissue making machine. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine MILLSPAUGH and/or SCHIEL and/or KANITZ, as necessary, with TIETZ in order to render the above-noted claims unpatentable.

The Examiner also asserted that each of the TIETZ documents, MILLSPAUGH and/or SCHIEL and/or KANITZ discloses all the claimed features except for a second felt belt and a Yankee cylinder. However, the Examiner asserted that each of MORTON and LEE teaches these features. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine MORTON or LEE with MILLSPAUGH, SCHIEL, KANITZ and TIETZ in order to render the above-noted claims unpatentable.

The Examiner further asserted that each of the TIETZ documents, MILLSPAUGH, SCHIEL and KANITZ discloses all the claimed features except for pressing zones in an extended nip. However, the Examiner asserted that each of WANKE, DAHL and LAAPOTTI teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine WANKE, DAHL and/or LAAPOTTI with MILLSPAUGH, SCHIEL, KANITZ and TIETZ in order to render the above-noted claims unpatentable.

Finally, the Examiner asserted that each of the TIETZ documents, MILLSPAUGH, SCHIEL and KANITZ discloses all the claimed features except for using multiple dewatering fabrics in an extended nip press. However, the Examiner asserted that each of CROUSE and/or KADE teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to combine CROUSE and/or KADE with MILLSPAUGH, SCHIEL, KANITZ and TIETZ in order to render the above-noted claims unpatentable.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant respectfully submits that no proper combination of these documents discloses or suggests, inter alia, a machine and process for producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min*, as recited in amended independent claims 1, 25, 49 and 52.

As Applicant has maintained all along, the HELL documents lack any disclosure to at least one suctioned apparatus arranged before said at least one shoe press relative to the web travel direction, wherein the at least one suctioned apparatus comprises a suction roll in combination with *the hood at least partially surrounding the suction roll*. These documents also lack, among other things, any apparent disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, while it is apparent that these documents disclose making a tissue web (see col. 1, line 15 of US '160), it is clear that these documents lack any disclosure or suggestion to producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min*.

Applicant acknowledges that MILLSPAUGH apparently discloses a suction device and an adjacent vacuum device. However, this document lacks, among other things, any disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. This document also lacks, among other things, any disclosure to guiding a fibrous material web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, while Applicant acknowledges that this document discloses increasing a web travel speed (see page 3, lines 30-64), it is clear that this document lacks any disclosure to suggestion to producing *a tissue or hygiene web*, much less, that *the tissue or the hygiene web travels at a speed that is greater than*

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approximately 1800 m/min.

With regard to SCHIEL, Applicant notes that ref. No. 13 appears to resemble a hood and that it is arranged next to a suction device 16. However, it is clear that this document does not disclose, or even suggest, at least one suctioned apparatus arranged *before said at least one shoe press* relative to the web travel direction, wherein the at least one suctioned apparatus comprises *a suction roll* in combination with *the hood at least partially surrounding the suction roll*. This document also lacks, among other things, any apparent disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, while it is apparent that this document discloses making a tissue web (see col. 1, line 17), it is clear that this document lacks any disclosure or suggestion to producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min.*

Applicant notes that KANITZ apparently discloses a forming roll 24 and a press nip 108. However, KANITZ lacks any disclosure to at least one suctioned apparatus arranged before said at least one shoe press relative to the web travel direction, wherein the at least one suctioned apparatus comprises *a suction roll in combination with the hood at least partially surrounding the suction roll*. This document also lacks, among other things, any disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, while it is apparent that this document

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discloses making a tissue web (see col. 1, line 13), it is clear that this document lacks any disclosure or suggestion to producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min.*

Applicant also acknowledges that MORTON apparently discloses a forming roll 5, a nip roll 20 and a Yankee roll 37. However, MORTON lacks any disclosure to at least one suctioned apparatus arranged before at least one shoe press relative to the web travel direction, wherein the at least one suctioned apparatus comprises *a suction roll in combination with the hood at least partially surrounding the suction roll.* This document also lacks, among other things, any disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip.* Finally, while it is apparent that this document discloses making a tissue web (see col. 1, lines 9-11), it is clear that this document lacks any disclosure or suggestion to producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min.*

Applicant further acknowledges that LEE apparently discloses a pressing nip 37 and a Yankee roll 41. However, LEE lacks any disclosure to at least one suctioned apparatus arranged before at least one shoe press relative to the web travel direction, wherein the at least one suctioned apparatus comprises *a suction roll in combination with the hood at least partially surrounding the suction roll.* This document also lacks, among other things, any

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disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, while Applicant acknowledges that this document discloses running a tissue web at travel speeds of up to 3000 feet per minute (see col. 17, lines 14-25), it is clear that this document lacks any disclosure or suggestion to producing a tissue or hygiene web wherein *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min*.

Applicant also notes that LAAPOTTI lacks any disclosure to a hood. Nor does the heating device 55 support an underpressure effect in suction device 65. It is also clear that this document does not disclose, or even suggest, an at least one suctioned apparatus which comprises *a suction roll in combination with the hood at least partially surrounding the suction roll*. This document also lacks, among other things, any apparent disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip*. Finally, it is clear that this document lacks any disclosure to suggestion to producing *a tissue or hygiene web*, much less, that *the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min*.

With regard to CROUSE, Applicant notes that ref. No. 122 cannot properly be characterized as a hood. Nor does the steam shower 122 surround any part of vacuum device 132. Clearly, this document does not disclose, or even suggest, an at least one suctioned apparatus which comprises *a suction roll in combination with the hood at least partially*

surrounding the suction roll. This document also lacks, among other things, any apparent disclosure to guiding a fibrous material web *from a forming roll over said at least one suctioned apparatus and through a pressing nip.* Finally, while Applicant acknowledges that this document discloses running a web at travel speeds of up to 3000 feet per minute (see col. 9, lines 15-17), it is clear that this document lacks any disclosure or suggestion to producing *a tissue or hygiene web, much less, that the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min.*

Finally, Applicant acknowledge that each of DAHL, WANKE and KADE apparently disclose a pressing nip. However, each of DAHL, WANKE and KADE lack any disclosure to at least one suctioned apparatus arranged before at least one shoe press relative to the web travel direction, wherein the at least one suctioned apparatus comprises *a suction roll in combination with the hood at least partially surrounding the suction roll.* These documents also lack, among other things, any disclosure to guiding a tissue or hygiene web *from a forming roll over said at least one suctioned apparatus and through a pressing nip.* Finally, it is clear that these documents lack any disclosure or suggestion to producing *a tissue or hygiene web, much less, that the tissue or the hygiene web travels at a speed that is greater than approximately 1800 m/min.*

Thus, even if these documents were properly combined, which Applicant submits they cannot be, they would nevertheless lack features which are recited in at least amended

independent claims 1, 25, 49 and 52. Moreover, each of these documents fails to disclose or suggest the requisite motivation or rationale for combining these documents in the manner asserted by the Examiner. Finally, Applicant submits that MILLSPAUGH, KANITZ, MORTON, LEE, DAHL, WANKE, KADE, LAAPOTTI, CROUSE and SCHIEL fail to cure the deficiencies in the TIETZ documents, and vice versa.

Finally, Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art

also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Additionally, it has been held that "[a] statement that modifications of the prior art to meet the claimed invention would have been " well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Accordingly, Applicant submits that no proper combination of the above-noted documents discloses or suggests the combination of features recited in at least independent claims 1, 25, 49 and 52, much less, claims 3, 5-24, 27, 29-48 and 51 which depend from claims 1, 25 and 49 and further recite: that as said carrying belt guides the tissue or the hygiene web over said at least one suctioned apparatus, said carrying belt is arranged between the tissue or the hygiene web and said at least one suctioned apparatus as recited in

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claim 3; that said hood contains an overpressure fluid comprising at least one of overheated steam, dry air and moist hot air as recited in claim 5; that the machine further comprises a suction element positioned between said at least one suctioned apparatus and said at least one shoe press as recited in claim 6; that said suction element comprises a suction box as recited in claim 7; that said at least one shoe press unit comprises a plurality of pressing zones arranged crosswise to the web travel direction as recited in claim 8; that said plurality of pressing zones are controllable independently of one another as recited in claim 9; that said at least one drying cylinder comprises a tissue or Yankee drying cylinder, and said machine further comprises a crepe doctor arranged to remove the tissue or the hygiene web from said tissue or Yankee drying cylinder after drying as recited in claim 10; that the machine includes a forming section in which said carrying belt is arranged to accept a fibrous stock suspension from a headbox as recited in claim 11; that the machine further comprises a forming roll and a continuous outer wire, wherein said carrying belt is also guided over said forming roll as an inner belt over the forming roll in relation to said continuous outer wire as recited in claim 12; that said inner belt comprises a felt belt as recited in claim 13; that said inner belt comprises a wire belt as recited in claim 14; that said inner belt comprises a dewatering belt as recited in claim 15; that said inner belt comprises an imprinting member as recited in claim 16; that said carrying belt comprises a felt belt as recited in claim 17; that said carrying belt comprises a wire belt as recited in claim 18; that said carrying belt comprises a dewatering

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belt as recited in claim 19, that said carrying belt comprises an imprinting member as recited in claim 20; that the machine further comprises a continuous felt belt which is arranged between said carrying belt and said shoe press unit and which is guided through said elongated pressing nip along with the tissue or the hygiene web and said carrying belt as recited in claim 21; that said shoe press unit comprises a water-impermeable continuous, circulating press belt as recited in claim 22; that said shoe press unit comprises a shoe press roll with a pressing jacket as recited in claim 23; that said pressing jacket comprises a water-impermeable pressing jacket as recited in claim 24; that as the carrying belt guides the tissue or the hygiene web over the at least one suctioned apparatus, the carrying belt is positioned between the at least one suctioned apparatus and the tissue or the hygiene web as recited in claim 27; that the overpressure in the hood is created by an overpressure fluid comprising at least one of overheated steam and dry and/or moist hot air as recited in claim 29; that the apparatus further includes a suction element positioned between the at least one suctioned apparatus and the at least one shoe press, and process further comprises suctioning the carrying belt and tissue or the hygiene web guided over the suction element as recited in claim 30; that said suction element comprises a suction box as recited in claim 31; that the shoe press unit comprises a plurality of pressing zones arranged at least crosswise to the web travel direction, and the process further comprises independently controlling the plurality of pressing zones as recited in claim 32; that the drying cylinder comprises a tissue or Yankee

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drying cylinder, and the process further comprises scraping the tissue or the hygiene web from the tissue or Yankee drying cylinder after drying as recited in claim 33; that the apparatus further includes a crepe doctor and the process comprises scraping the tissue or the hygiene web from the tissue or Yankee drying cylinder after drying with the crepe doctor as recited in claim 34; that the apparatus includes a forming section and the carrying belt is guided through the forming section, and the process further comprises accepting a fibrous material suspension from a headbox on the carrying belt as recited in claim 35; that the apparatus further includes a forming roll with a continuously outer wire, and the carrying belt is guided over the forming roll as an inner wire between the continuous outer wire and the forming roll, and the process further includes supplying a fibrous material suspension between the inner wire and the outer wire as recited in claim 36; that said inner belt comprises a felt belt as recited in claim 37; that said inner belt comprises a wire belt as recited in claim 38; that said inner belt comprises a dewatering belt as recited in claim 39; that said inner belt comprises an imprinting member as recited in claim 40; that said carrying belt comprises a felt belt as recited in claim 41; that said carrying belt comprises a wire belt as recited in claim 42; that said carrying belt comprises a dewatering belt as recited in claim 43; that said carrying belt comprises an imprinting member as recited in claim 44; that the apparatus includes a continuous felt belt arranged between the carrying belt and the shoe press unit in the elongated pressing nip, and the process further includes guiding the tissue

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or the hygiene web through the elongated pressing nip along with the carrying belt and the continuous felt belt as recited in claim 45; that the shoe press unit comprises a water-impermeable pressing belt as recited in claim 46; that the shoe press unit comprises a pressing jacket as recited in claim 47; that the pressing jacket comprises a water-impermeable pressing jacket as recited in claim 48; and that said overpressure device comprises an overpressure fluid comprising at least one of overheated steam, dry air and moist hot air as recited in claim 51.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections of the above-noted claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Traversal of the Examiner's comments

With regard to the Examiner's assertions in support the Examiner's obviousness conclusions, Applicant notes that the instant Amendment renders these assertions moot.

Moreover, Applicant reminds the Examiner that it is the Examiner and not Applicant who has the initial burden of establishing a *prima facie* case of anticipation and obviousness.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either

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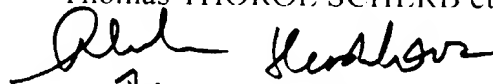
taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
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